

PATENT
10/082,414

Sir:

This is in response to the Official Action mailed
October 21, 2004.

REMARKS

Drawings: Attached hereto is copy of Figure 1 which includes the corrections suggested by Examiner in order to satisfy the objections to the Drawings. Applicants will make the formal corrections when approved by Examiner.

Request for Interview

Applicants have submitted a Request for Interview form. The Examiner responded and suggested an alternate date after January 24, 2005 when the Primary Examiner is due to return. Applicants' attorney suggests January 27, 2005 at 2 PM Eastern Time to discuss Applicants' position as set forth herein. A copy of this response is being informally sent by facsimile to Examiner.

Applicants' Argument.

The rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over the combination of the Kelts Publications (US Publication 2001/0030667) (hereafter referred to as Kelts) in view of French-St. George (US6,018,711) (hereafter French) is respectfully traversed. Both Kelts and French generally relate to icons or like displayed objects which undergo visual changes to represent changes in the status of a computer condition. However, neither reference contains any suggestion of the specific problem which the present invention solves or the application of a visually changing object or icon in the

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novel function of the present invention to solve the specific problem.

Continued advances in software technology have brought such great advantages to consumers, business and industry that the marketplace in application programs has come around to accepting that new programs will produce some incompatibilities with installed software. These may lead to crashes, i.e. premature interruptions and closures of program runs. The problem now is to minimize the ancillary and side effects of such program interruptions or crashes. The present invention provides an implementation to help the user to minimize the ancillary effects of such premature interruptions by tracking the rates of such interruptions in the runs of each of a plurality of application programs, and having visual indicators for each of a set of objects or icons representing each application program. These visual indicators indicate the rates of interruptions of the represented application programs.

At best the basic Kelts reference merely contains very general statements to the effect that changing visual object or icon indicators may be used to indicate changes in varying computer characteristics. There is nothing in Kelts suggestive of the problem that the present invention solves or the novel solution of the problem. Applicants fully concur with the Examiner's conclusion on page 3 of Office Action:

"...Kelts fails to explicitly teach means for tracking the rates of unrequested interruptions in the run of each of the application programs and displaying a visual indicator of the rate of unrequested interruption in the run of the application program represented by the object."

However, the French-St. George patent fails to make up for these deficiencies in the Kelts publication. The French

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patent is concerned with the limited time of a open interface window enabling talking into the window for speech recognition. An icon with a visual indicator is used to indicate the diminishing time that the speech window is open. This visual indicator is said to be animated, e.g., a shrinking object.

There is nothing in this French-St. George suggestive of the tracking of application program interruptions or the use of a visual indicator to illustrate the rate of such interruptions.

The Examiner in some sort of oblique interpretation of the French teaching argues that at column 7, lines 16-21 is in effect tracing the rate of closing of his speech window, and indicating this closing rate by the diminishing icon. However, where in the French patent is there anything suggestive of the tracking of the rates of interruptions in application programs?

In view of the foregoing, claims 1-18 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

J.B. Kraft 01/21/05
J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:
Marilyn Smith-Dawkins
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

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